

**FILED**

**JUN 16 2017**

Clerk, U S District Court  
District Of Montana  
Missoula

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

SUSAN DANAHER,

Plaintiff,

vs.

TRINITY UNIVERSAL INSURANCE  
COMPANY, and KEMPER  
PREFERRED, U.S. BANK  
NATIONAL ASSOCIATION, a  
subsidiary of U.S. BANCORP, a/k/a  
U.S. BANK HOME MORTGAGE, and  
JOHN DOES I-X,

Defendants.

CV 15-114-M-DLC

(Consolidated with Case No.  
16-88-M-DLC)

ORDER

Pursuant to the Stipulation between Plaintiff and U.S. Bank National filed  
herein, and good cause shown;

IT IS ORDERED that:

1. This Court acknowledges Plaintiff has entered into a final settlement  
agreement with Defendants Trinity and Kemper. Plaintiff's claims against US  
Bank remain ongoing, however they have been consolidated into Cause No.  
CV-16-88-DLC, pending before this Court. Per the terms of the earlier

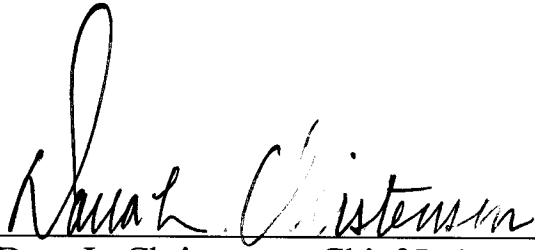
Stipulation between Plaintiff and US Bank, the insurer (Trinity/ Kemper) has issued settlement checks on the subject property directly to Plaintiff and Plaintiff's attorney's law firm, jointly.

2. From the settlement funds distributed per the terms of the earlier Stipulation, Plaintiff's attorney shall deposit \$71,438.73 into her firm's IOLTA Trust Account as a holdback for structural repairs to Plaintiff's residence and pay contractors directly for structural work on the subject property from this account. No amounts from said structural payments shall be used for attorneys' fees or other non-structural expenses.

3. Plaintiff's attorney shall provide an accounting of any such structural expenditures on the subject property to US Bank within seven (7) days of the expenditure.

4. Plaintiff has no timetable requirement to complete repairs to her residence. After completion of the repairs to Plaintiff's residence, Plaintiff shall provide notice of completion to US Bank and request an inspection. Within thirty (30) days of said notice, US Bank shall conduct an inspection of the residence and, if appropriate, confirm that the repairs are complete. Any funds remaining in Plaintiff's attorneys trust account at that time, shall be dispersed to Plaintiff.

DATED this 16<sup>th</sup> day of June, 2017.

A handwritten signature in black ink, reading "Dana L. Christensen". The signature is written in a cursive style with a large, looping initial "D".

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Dana L. Christensen, Chief Judge  
United States District Court